COUNCIL POLICY			
Subject: UTILITY CERTIFICATES FOR THE EXTENSION OF WATER OR SEWER SERVICE TO UNINCORPORATED AREAS	Policy Number	Effective Date	Number of pages
	300-02	10-27-98	1 of 10

A. PURPOSE

As a general rule, the City of Santa Rosa has no obligation to provide City water or sewer service outside the City limits. The purpose of this policy is to state the various situations and circumstances under which the City will consider permitting the extension of one or both of these City services to property situated outside the City limits and the conditions that will be attached to any permission which is granted. This policy does not apply to reclaimed water produced at the City's Laguna Treatment Plant.

B. DEFINITIONS

Agreement Area: An area outside the City limits which is the subject of an agreement between the City and Sonoma County regarding the extension of City water and/or sewer service and possibly other matters. Such an agreement may relate to the formation of an assessment district for the area, or areas, identified in the agreement.

Annex: To incorporate a land area into the City limits.

City: The City of Santa Rosa.

City Limits: All real property situated within the legal boundaries of the City of Santa Rosa.

County Island Area: An unincorporated area of land completely surrounded by the City limits.

County Corridor Area: An unincorporated "peninsula" of land, situated within the City's Ultimate Urban Boundary, which is surrounded by the City limits on three sides.

Director or Director of Community Development: The Director of the City's Department of Community Development or the Director's designated representative.

Existing Use: A developed use of property which is legally existing at the time an application is filed with the City for a Utility Certificate to support that use.

Improvement Conditions:

Conditions which incorporate required public improvements, on-site improvements, and certain requirements of the Santa Rosa Zoning Code.

(1) Public Improvements include, but are not limited to, street, curb, gutter and sidewalk construction, fire hydrants, street trees, dedication of utility easements, dedication of rights-of-way, storm drainage, water and sewer connections, undergrounding of utilities, irrigation, back flow prevention, driveway approaches and street lighting.

(2) On-site Improvements include, but are not limited to, grading, drainage, irrigation and double check valves for wells.

(3) Santa Rosa Zoning Code Requirements include, but are not limited to, vehicle parking, landscaping, vision triangle, fencing, soundwalls, trash and recycling enclosures, roof appurtenances, screening, tree preservation, lighting, address display and second unit standards. Specific zoning district requirements such as setbacks, height and lot coverage are not included.

Public Health Hazard: A health hazard which has been certified to exist by the County Health Department with respect to the existing use's water supply or sewage disposal system.

Ultimate Urban Boundary: A parcel specific boundary designated in the City's General Plan marking the limit beyond which the City will not annex or expand.

Utility Certificate: A document (formerly known as a Certificate of Compliance) evidencing the approval by the City which permits City sewer and/or water services to be extended outside the City limits subject to the terms and conditions of the certificate and the provisions of this policy.

C. RULES AND CONDITIONS

The general rule and its conditions shall be used in reviewing, and approving or denying Utility Certificate applications unless one of the specific rules listed in subsections C-2 through C-6 applies, in which case the specific rule shall be used.

1(a) General Rule

City water and/or sewer service may be extended only to an existing use which is situated outside the City limits but within the City's Ultimate Urban Boundary, and then only if all the following criteria are met:

(1) The existing use is legal; and

(2) The existing use is consistent with the City's General Plan; and

(3) A public health hazard exists with respect to the use's existing water and/or sewage disposal system and the requested connection to the City's water and/or sewer system would remove the health hazard.

1(b) Conditions of Approval for General Rule

A Utility Certificate approved under this rule shall be subject to the following conditions:

(1) The property owner must either annex the property on which the use is situated, or, if the property is not presently annexable, execute and record an annexation covenant and agreement to so annex the property when it becomes annexable. The covenant and agreement shall be subject to approval as to its wording by the City Attorney.

(2) The applicant and owner of the property must agree to fulfill City imposed improvement conditions.

(3) The extension of service(s) approved by the Utility Certificate shall be limited to the specific existing use, which shall be expressly described in the Certificate by type and size, i.e., square feet, seating capacity, number of bedrooms, etc.

(4) Costs of all facilities needed to provide the approved utility service shall be paid by the applicant. Installation of the service connection(s) and all necessary related facilities shall be in accordance with City improvement design and construction standards in effect at the time of installation.

(5) The applicant shall pay all City fees and charges applicable to the approved connection(s).

2(a) Rule for County Islands and Corridor Areas

City water and/or sewer service may be extended only to an existing use in a County island or corridor area and then only if the following criteria are met:

(1) The existing use is legal; and

(2) The existing use is consistent with the City's General Plan.

2(b) Conditions of Approval for Extensions to County Islands and Corridor Areas

A Utility Certificate approved for a use in a County island or corridor area shall be subject to the following conditions:

(1) The property owner must either annex the property on which the use is situated, or, if the property is not presently annexable, execute and record an annexation covenant and agreement to so annex the property when the property does become annexable. The covenant and agreement shall be subject to approval as to its wording by the City Attorney.

(2) The applicant and owner of the property must agree to fulfill City imposed improvement conditions.

(3) The extension of service(s) approved by the Utility Certificate shall be limited to the existing use, which shall be expressly described in the Certificate by type and size, i.e., square feet, seating capacity, number of bedrooms, etc.

(4) Costs of the facilities needed to provide the approved utility service shall be paid by the applicant. Installation of the service connection(s) and all necessary related facilities shall be in accordance with City improvement design and construction standards in effect at the time of installation.

(5) The applicant shall pay all City fees and charges applicable to the approved connection(s).

3(a) Rules for Properties within an Agreement Area

The City has entered into agreements with the County of Sonoma concerning the installation by the County of sewer and/or water service facilities, including trunk sewer lines, in unincorporated areas. A number of these agreements were entered into in the 1980s and of these, some provide for the formation of an assessment district by the County to pay the cost of the sewer and/or water facilities to be installed under the agreement. Generally, the post-1980 agreements were entered into to alleviate an identified public health hazard caused by the failure of existing septic systems in the identified area. Of the agreements entered into prior to 1980, some were for the primary purpose of constructing trunk sewer lines and involved voluntary assessment districts formed by the County. Others of the pre-1980 agreements, however, were to provide sewer facilities for a specific area.

3(b) Conditions of Approval for Areas Covered by Agreement with the County Entered Into In and After 1980

(1) Utility Certificates for existing uses may be approved, conditionally approved, or denied by the Director of Community Development in accordance with the provisions of the agreement covering the particular area for which the application is filed. (Note: Utility Certificates are not required for existing uses in the South Wright sewer service agreement area).

(2) Utility Certificates for all proposed new development and all proposed substantial remodeling or reconstruction of an existing structure shall be reviewed by the Director of Community Development or the joint City/County Design Review Committee. If the proposal does not meet the then current City standards and requirements, the Director or the Committee shall condition the proposed project so that it does fulfill such standards and requirements.

(3) The project shall not be connected to the City utility or receive City utility service until all such conditions and requirements have been fulfilled.

(4) The type and number of connections permitted shall be governed by the provisions of the agreement.

(5) Cost of the facilities needed to provide the approved utility service(s) shall be paid by the applicant. Installation of the service connection(s) and all necessary related facilities shall be in accordance with City standards in effect at the time of installation. The applicant shall pay all City fees and charges applicable to the approved connection(s).

3(c) Conditions of Approval for Areas Covered by Agreements with the County Entered Into Prior to 1980

(1) The City Council shall determine whether or not a particular request for connection(s) will be allowed.

(2) The City Council shall determine the type and number of connections.

(3) The City Council shall impose conditions of approval that are determined necessary for the project, including, but not limited to, the payment of applicable fees and charges for any approved connection.

4(a) Rule for Areas Subject to a Pending Annexation

An application for a Utility Certificate for a new use in an unincorporated area, which is submitted in conjunction with an annexation request to the City, will be considered under this rule only if the City Council has prezoned the property. The application and proposed use shall be reviewed in accordance with all the development policies of the City to the same extent as if the property were situated within the City limits.

Actual physical hook-up to the City service(s) approved under this rule shall not occur until after the annexation has been approved by LAFCO and the City Council has completed all annexation proceedings required by LAFCO and the Council has ordered the annexation of the property.

4(b) Conditions of Approval for Areas Subject to a Pending Annexation

(1) The applicant and owner shall be required to fulfill all City imposed conditions of approval.

5(a) Rule for Industry West

On April 11, 1978, the City Council approved a Master Certificate of Compliance (now called a Utility Certificate) for the Industry West Complex. A separate Utility Certificate is required for each new project within the area. Each new project must meet the following criteria:

(1) The proposed use must be consistent with the City's General Plan, if located within the City's Ultimate Urban Boundary, or the County's General Plan, if located outside the City's Ultimate Urban Boundary.

5(b) Conditions of Approval for Industry West

(1) The property owner must either annex the property on which the use is situated or, if the property is not presently annexable, execute and record an annexation covenant and agreement to so annex the property when the property does become annexable. The covenant and agreement shall be subject to approval as to its wording by the City Attorney.

(2) The applicant and owner of the property must agree to fulfill City imposed improvement conditions.

(3) The extension of services(s) approved by the Utility Certificate shall be expressly described in the Certificate by type and size, i.e., square feet, seating capacity, number of bedrooms, etc.

(4) Costs of the facilities needed to provide the requested utility service shall be paid by the applicant. Installation of the service connection(s) and all necessary related facilities shall be in accordance with City improvement design and construction standards in effect at the time of installation.

(5) The applicant shall pay all City fees and charges applicable to the approved connection(s).

6. Rule for Santa Rosa Avenue south of Todd Road within the Urban Boundary outside South Park Sanitation District

Water is available for fire protection only in this area. Sewer service is generally not available in this area. Requirements for connection to water for fire protection are described below.

Fire Protection Certificate

Street

A Fire Protection Certificate is required for existing uses or existing uses with additions not exceeding a 50% increase in floor area or 5,000 square feet, whichever is greater. No improvements are required for this connection. Issuance of the Certificate requires inspection of the service connection by the City Utilities Department and review and inspection of the fire protection system by the City Fire Department to ensure compliance with City design and construction standards.

Limited Utility Certificate

A Limited Utility Certificate is required for new uses or expansion of existing uses beyond 50% of existing floor area or 5,000 square feet, whichever is greater. The proposed new use or expansion must meet improvement conditions for on-site improvements, including drainage, grading, fire protection (including access and fire and building code requirements), Santa Rosa Zoning requirements, and inspection and review requirements associated with a Fire Protection Certificate. No street, sidewalk, curb or gutter improvements are required for the provision of water for fire protection.

D Review

The applicant shall pay all City fees and charges applicable to the approved connection(s).

7(a) Rule for Agricultural Uses

The City Council, by resolution, may permit the extension of water service outside the City Limits and outside the Ultimate Urban Boundary to serve agricultural uses. Prior to granting such permission, the Council shall make specific findings that the requested extension of service is necessary to preserve agricultural uses and that the use of water provided will be limited to agricultural purposes.

7(b) Conditions of Approval for Agricultural Uses

1. Conditions relating to the approval of the extension and use of the water shall be set forth in the Council's resolution.

8. Requests for the Extension of Service Outside the Ultimate Urban Boundary under Circumstances not Contemplated by Rules

A request for City sewer and/or water service outside the Ultimate Urban Boundary under circumstances not contemplated by Rules 1-6, shall be presented to the City Council for consideration and determination. Such requests are not favored and will be granted only under extraordinary circumstances. In accordance with this limitation, the City Council shall deny, approve, or approve subject to conditions any such request.

9. Requests for Policy Waiver

A request for a waiver of this policy shall be presented to the City Council for consideration and determination. The Council may waive sections of the policy if it is warranted.

A. IMPLEMENTATION

1. Applications

(a) An application for Utility Certificate shall be filed with the Department of Community Development on the forms designated for this purpose. The application must be filed by the property owner or with the property owner's written approval. The application shall be accompanied by site plans, elevations, landscape plans, and any additional maps, drawings and other information as may be required, and in such detail as may be required, to adequately review the application.

2. Authority

(a) Unless otherwise provided in this policy, the Director of the Department of Community Development may approve, conditionally approve, or deny an application for a Utility Certificate in accordance with the applicable provisions of this policy.

(b) If the Director is uncertain whether an application meets the criteria of this policy, or if the Director is uncertain as to what conditions to impose, the application may be referred to the Planning Commission for a decision.

3. Approvals

(a) A Utility Certificate shall be approved for the same period of time as specified in the County Planning Department's approval of the project. If no County Planning approvals are involved, the Utility Certificate shall be approved for an initial period not to exceed one year.

(b) All Utility Certificate approvals shall be granted for specific projects. Any modification, revision, or new County application for the project shall require the filing of a new Utility Certificate application with the City.

(c) If the use of an existing building changes or if exterior modifications to an existing building are proposed, a new Utility Certificate shall be required if the Director of Community Development so determines based on the existing use's compliance with City improvement conditions.

4. Extensions of Certificates

(a) An extension of a Utility Certificate may be granted by the Director of Community Development if an application for the extension is received on, or prior to, the date of expiration of the certificate.

(b) An extension application may only be granted if it is found that circumstances have not changed since the date of issuance of the original certificate. City improvement conditions shall be attached to any extension approval granted if applicable.

(c) An extension approval shall be granted for the same period of time as specified in the County Planning Department's approval. If no County Planning approvals are involved, the Utility Certificate shall be extended for a period not to exceed one year.

5. Duration and Termination of Approvals

(a) If all City conditions and requirements imposed on a Utility Certificate, or on the project for which the Certificate was issued, have been fulfilled, the Utility Certificate will become permanent for the duration of the approved use as described in the certificate.

(b) If such conditions have not been fulfilled within the specified approval period, the Utility Certificate shall terminate and shall be null and void.

6. Appeals

(a) Appeals from a decision made under this policy by the Director of Community Development or the Planning Commission shall be made to the City Council.

(b) Appeals shall be filed with the City Clerk within ten working days from the date on which the decision on the Utility Certificate was made. Applicable appeal fees shall be paid at the time the appeal is filed.

(c) All appeals shall be made in writing and shall specify the decision appealed the specific action which the appellant wants taken in the appeal, and each and every ground upon which the appellant relies in making the appeal.

(d) The timely filing of a written appeal shall automatically stay all City actions and put in abeyance all City approvals or permits which may have been granted by the decision. Neither the applicant, third parties, or any enforcing agency may rely upon the decision, approval or denial or other action appealed from until the appeal has been decided by the City Council.

Adopted by Resolution No. 12400	(Cert. of Compliance)	Dated: May 30, 1978
Amended by Resolution No. 13466	"	Dated: September 26, 1978
Amended by Resolution No. 13622	"	Dated: December 19, 1978
Amended by Resolution No. 14747	"	Dated: October 28, 1980
Amended by Resolution No. 15429	"	Dated: November 24, 1981
Amended by Resolution No. 15493	"	Dated: January 19, 1982
Amended by Resolution No. 15665	"	Dated: June 15, 1982
Amended by Resolution No. 16003	"	Dated: January 25, 1983
Amended by Resolution No. 16055	(Utility Certificate)	Dated: March 15, 1983
Amended by Resolution No. 16270	"	Dated: June 28, 1983
Amended by Resolution No. 21201	"	Dated: February 2, 1993
Amended by Resolution No. 23734	"	Dated: October 27, 1998